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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**Case No. 3:10-CR-00506-KI**

**v.**

**HOSSEIN LAHIJI**, and  
**NAJMEH VAHID**,  
aka Najmeh Lahiji,

**Defendants.**

**UNCLASSIFIED ORDER DENYING THE DELETION OF CLASSIFIED  
INFORMATION FROM DISCOVERY PURSUANT TO SECTION 4 OF THE  
CLASSIFIED INFORMATION PROCEDURES ACT AND RULE 16(d)(1) OF THE  
FEDERAL RULES OF CRIMINAL PROCEDURE, AND APPROVING SUBSTITUTION**

This matter initially came before the Court on the United States' Classified *In Camera*,  
*Ex Parte*, Second Motion for an Order Pursuant to Section 4 of the Classified Information  
Procedures Act (CIPA) and Rule 61(d)(1) of the Federal Rules of Criminal Procedure. On  
June 10, 2013, the United States, by and through its attorneys of record, moved *ex parte*, in

*camera* and under seal, pursuant to Section 4 of CIPA, 18 U.S.C. app. 3, and Fed. R. Crim. P. 16(d)(1) for authorization to withhold disclosure of certain classified materials from discovery (ECF No. 246). The Court found that the government's Motion was properly filed *in camera*, *ex parte* for this Court's review, pursuant to CIPA Section 4 and Rule 16(d)(1). The submission contained classified information that required protection against unauthorized disclosure for reasons of national security such that its disclosure to the defense, or the public, reasonably could be expected to cause serious damage to national security. Having reviewed the government's Motion and attached exhibits including a classified Declaration, the relevant law, and being fully advised in the premises, on June 10, 2013, the Court concluded that good cause existed for denying the Motion and approving a proposed substitution pursuant to CIPA Section 4 for the materials as to which the Court denied the Motion for deletion.

Accordingly, pursuant to Section 4 of CIPA, and Fed. R. Crim. P. 16(d)(1), IT IS  
HEREBY ORDERED that:

1. The Motion of the United States for deletion from discovery (ECF No. 246) is denied.
2. The United States is authorized to substitute the proposed alternate summary of the materials as to which the Motion for deletion was denied. Such information shall be provided to the defense in substantially the form proposed in the government's submission, and the government need not disclose to the defense the original, classified materials.

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Substitution**

3. The Motion and exhibits of the United States and the classified order are hereby SEALED and shall be retained in accordance with established security procedures until further order of the Court.

Dated this 11<sup>th</sup> day of June 2013.

  
GARR M. KING  
United States District Judge

Presented by:

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District of Oregon

s/ Charles F. Gorder, Jr.  
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